

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CASE NUMBERS: 4:09CR93 (3)
	§	4:07CR5 (1)
JAMES THEODORE WATSON	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 15, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Jennifer Bray.

On June 13, 2007, in Case No. 4:07cr5-1, Defendant was sentenced by the Honorable Marcia Crone, United States District Judge, to 60 months imprisonment followed by a 3-year term of supervised release for the offense of Felon in Possession of a Firearm. On July 7, 2010, in Case No. 4:09cr3-3, Defendant was sentenced by the Honorable Michael H. Schneider to 12 months imprisonment followed by a 3 year-term of supervised release for the offense of Sale or Receipt of Stolen Vehicles. Defendant began his term of supervision on February 16, 2012.

On June 27, 2012, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 142). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall notify the probation officer ten days

prior to any change of residence or employment; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (3) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month; and (4) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer.

The Petition alleges that Defendant committed the following violations: (1) Defendant failed to notify his probation officer of his change in employment status; (2) Defendant submitted a urine specimen on June 5, 2012, and on March 4, 2013 which tested positive for methamphetamine; (3) Defendant was instructed to report to his probation officer on June 26, 2013, and failed to report as directed; and (4) Defendant failed to report to his designated drug testing site in Tyler, Texas, for a scheduled drug test on June 20, 2013, and on June 24, 2013.

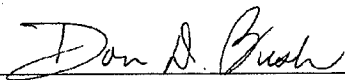
At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the August 15, 2013 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months to run

concurrently with any other sentence, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in FCI El Reno, if appropriate.

SIGNED this 22nd day of August, 2013.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE